

REMARKS

Claims 1 - 10, 12, and 17 - 28 are pending with claims 27 and 28 being added.

Applicants acknowledge Examiner Michael Caley's time and courtesy during the personal interview of 2 June 2004 with Applicants' representative James E. Ruland. The applicable items discussed were claims 1 and 23, U.S. Patent No. 5,619,352 (Koch), U.S. Patent No. 5,995,184 (Chung), and PCT Publication WO 96/06379 (Van Haaren). In addition, proposed amendments that were discussed were attached to the Applicants' initiated interview request form facsimiled 27 May 2004, and were not entered. Instead, Applicants have presented new amendments as depicted above.

A summary of the arguments presented is provided below.

Arguments

Claim Rejections Under 35 U.S.C. §103

Claims 1-10, 12, and 17-22 stand rejected in view of Koch, Chung and Van Haaren.

Applicants respectfully submit that there is insufficient motivation as alleged in the action to combine these references to render the present invention *prima facie* obvious. Particularly, Chung does not mention the problem of gray levels while Koch addresses the problem of improving gray scale stability (not the number of gray levels) and teaches that this can be achieved by using O plates (see column 6-10). On the other hand, Van Haaren teaches cholesteric films with pitches less than 250 nm that are used to increase the number of gray levels in liquid crystal displays, but does not disclose nor suggest that these cholesteric films can advantageously be combined with other optical films, let alone O plates, to give improved viewing angle compensators.

Moreover, Chung discloses reducing the tilt angle in a (cholesteric or A plate) retardation film prepared from a liquid crystal material, and teaches that this is achieved by adding a surfactant to the liquid crystal material. However, Chung neither discloses nor suggests that twisted films are preferably used in combination with an O plate retarder.

Furthermore, Chung improves performance by reducing the tilt angle of liquid crystals at the air interface by adding the surfactant (see column 3, lines 4 - 10). In marked contrast, Van Haaren photopolymerizes with actinic radiation a reactive cholesteric liquid crystal and optionally a chiral dopant. Subsequently, the pitch is decreased by removing a non-reactive liquid crystal to reduce layer thickness. See page 5 of Van Haaren. Thus, these references obtain improvement by quite different mechanisms. Thus, one of skill in the art would not pick the teachings of Van Haaren that reduces pitch by reducing layer thickness when Chung touts reducing tilt angle by adding a surfactant.

Consequently, Applicants respectfully submit that these rejections should be withdrawn.

Claim Rejections Under 35 U.S.C. §102

Claims 23-26 stand rejected in view of Van Haaren.

Van Haaren fails to teach an optical compensator comprising at least one O plate retarder and at least one negative C plate retarder with a helical pitch of 250 nm or less. Rather, Van Haaren teaches a liquid crystal display device including a compensation foil. Consequently, Van Haaren does not anticipate the claimed invention. Applicants respectfully submit that these rejections should be withdrawn.

Claim Amendments

Articles have been introduced at the beginning of at least some of the claims and ranges have been hyphenated to further clarify that their end points are included. These amendments do not narrow the scope of the claims.

In view of the above, favorable reconsideration is courteously requested. If there are any remaining issues which can be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

James E. Ruland, Reg. No. 37,432
Attorney for Applicants

MILLEN, WHITE, ZELANO &
BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-2392

Date: July 2, 2004

JER/jgs::K:\Merck\2392\Reply 7-2-04.doc